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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

20

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/286,906

Applicant(s)

MISAWA, ATSUSHI

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 11 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9 and 12-27 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 8/16/04 have been fully considered but they are not persuasive.

In re pages 11-12, Applicant argues that there is no disclosure in Oku et al. that is directed to selecting one mode and controlling the monitor to display the image captured by the imaging part on a first area on the monitor in the recording mode, and to display the image reproduced from the recording medium on a second area on the monitor in the reproducing mode, the first area being smaller than the second area.

In response, regarding claim 1, Applicant recited in claim 1 with the limitations “a selector for selecting one of a recording mode and a reproducing mode;” and “a display controller for controlling the monitor to display the image captured by the imaging part on a first area on the monitor in the recording mode, and to display the image reproduced from the recording medium on a second area on the monitor in the reproducing mode, the first area being smaller than the second area.” The Examiner considers that claim 1 as recited still does not distinguish from Oku et al. patent. Oku et al. disclose combination of mode switches 31a, 31b, and switch 5 as selector, in which recording mode is set by switch 31a and playback mode (reproducing mode) is selected by switch 5 (figure 1, page 5, and see Constitution). Oku et al. also disclose that the display of the live recording image (by CAM) and the display of the reproduced image (by VTR) are displayed on electronic viewfinder 1 (figure 1), and the display of the live recording image (by CAM) is displayed in the central part of figure 7c which is smaller than the display of the reproduced image (by VTR), see figure 7c, page 8, line 9-13).

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In re page 12, Applicant argues that as depicted in Fig. 7(c), as both the recording signal and the play back signal are displayed at the same time, only a portion of the playback image is displayed. As such, Oku et al. fails to teach or suggest displaying the image reproduced from the recording medium on a second area on the monitor in the reproducing mode.

In response, the Examiner disagrees, in Oku et al., the recording signal and the play back signal are not necessary displayed at the same time. Oku et al. disclose that the screen based on the recording picture signal and the screen based on the simultaneously playback picture signal are displayed alternately on the picture device (page 4, lines 1-6; page 5, lines 26-30), further in page 7, lines 22-25, Oku et al. disclose that logic circuit 7 outputs control signal Z to switch 5 so as to display picture signal CV picked up by video camera 2 and playback signal PV from VTR 4 alternately at the cycle of the pulse signal generated by timer circuit 6 during period III in Figure 3. Therefore, Oku et al. does disclose displaying the image reproduced from the recording medium on a second area on the monitor in the reproducing mode.

Claim Objections

2. Claims 13, are objected to because of the following informalities:

Claim 13 (line 4), claim 15 (line 3), claim 18 (line 3), claim 20 (line 3), “the operator” should be changed to --an operator--.

Claim 14 (line 4), claim 23 (line 3), “the mode selector” should be changed to --the selector--.

Claim 16 (lines 2-3), “the captured image” should be changed to --a captured image--.

Claim 16 (line 3), “the preview image” should be changed to --a preview image--.

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Claim 21 (line 4), "the recording" should be changed to --a recording--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 13, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 (line 2) recites the limitation "the" in "the display".

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Oku et al. (JP 01-320871).

Regarding claim 1, Oku et al. disclose a camera comprising an imaging part (pickup circuit 21, figure 1, page 4, lines 22-28); a selector (combination of modes switches 31a, 31b and switch 5; recording mode is set by switch 31a and playback mode (reproducing mode) is selected by switch 5,

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figure 1, page 5, and see Constitution); a recording part (first recording head 441 and second recording head 443, figures 1-2, page 4, lines 29-34); a reproducing part (first playback head 442 and second playback 444, figures 1-2, page 4, lines 29-34); a monitor (electronic viewfinder 1, figure 1, page 4, line 22); a display controller for controlling the monitor to display the image captured by the imaging part on a first area on the monitor in the recording mode, and to display the image reproduced from the recording medium on a second area on the monitor in the reproducing mode, the first are being smaller than the second area (Oku et al. disclose that the display of the live recording image (by CAM) and the display of the reproduced image (by VTR) are displayed on electronic viewfinder 1 (figure 1), and the display of the live recording image (by CAM) is displayed in the central part of figure 7c which is smaller than the display of the reproduced image (by VTR), see figure 7c, page 8, line 9-13).

Regarding claim 14, Oku et al. disclose the display controller changes a size of an image displayed on the monitor in accordance with switching between the recording mode and the reproducing mode (figure 7c).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-4, 13, 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oku et al. (JP 01-320871) in view of Okada (US 5,515,104).

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Regarding claim 2, Oku et al. fail to specifically disclose a grip to be held by a hand of an operator in the recording mode, the grip being arranged at a front of a body of the camera; wherein the monitor is arranged at a back of the body of the camera and extends to a part opposite to the grip. However, Okada discloses a camera has a grip (figure 1) and monitor (LCD 15) is arranged at a back of the body of the camera and extends to a part opposite to the grip (figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Oku et al. by the teaching of Okada in order to let the operator hold the camera easier when taking picture and viewing picture at the same time.

Regarding claim 3, Okada discloses the monitor is arranged such that a part of the second area and none of the first area are covered with the hand of the operator holding the camera by the grip in the recording mode (figure 2, LCD 15, when it is considered as first area, is not covered by the hand of the operator holding the camera by the grip). Oku et al., Figure 7c discloses the display area in VTR mode (a part of the second area) can be covered by the hand of an operator.

Regarding claim 4, Oku et al., Figure 7c discloses the display area in VTR mode (a part of the second area) can be covered by the hand of an operator.

Oku et al. fails to specifically disclose the monitor is arranged such that none of the first area is covered with the hand of the operator holding the body to operate the camera in the recording mode. However, Okada discloses a camera, in which LCD 15, when it is considered as first area, is not covered by the hand of the operator holding the camera (figures 1-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Oku et al. by

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the teaching of Okada in order to let the operator can view the whole image while taking picture because the display is not covered by the hand of the operator.

Regarding claim 13, Oku et al. fail to specifically disclose the display includes a third area wherein the third area is a marginal area on the display in which no image data appears and thereby provides a gripping area for the operator during the recording mode. However, Okada discloses a camera has a monitor (LCD 15), which includes rear cover 14 (third area), is arranged at a back of the body of the camera. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Oku et al. by the teaching of Okada in order to let the operator hold the camera easier when taking picture and viewing picture at the same time.

Regarding claim 15, Oku et al. fail to specifically disclose wherein a back grip part at a side of the back of the camera which is held by a hand of an operator is made as a part of the display of the monitor, wherein the hand of the operator, during the recording mode, grips a part of the monitor. However, Okada discloses a camera has a grip (figure 1) and monitor (LCD 15) is arranged at a back of the body of the camera and extends to a part opposite to the grip (figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Oku et al. by the teaching of Okada in order to let the operator hold the camera easier when taking picture and viewing picture at the same time.

Regarding claim 16, Oku et al., figure 7c, disclose the image captured in recording mode is displayed in the center part and is not displayed in the peripheral part which is used for the picture from the VTR, the VTR area can be covered by an operator's hand.

Regarding claim 17, Okada discloses lens 18 provided at the front face of the camera (figure 1) and can be covered by hand of an operator in viewing image in playback mode.

Regarding claim 18, Okada discloses the monitor is arranged in the back of the camera wherein a hand of an operator holding the camera extends to a portion of the monitor to cover the monitor by hand of the operator in order to hold the camera for taking picture (figures 1-2).

Regarding claim 19, Okada disclose a release button (shutter release 19, figure 1), wherein the monitor at the back of the body of the camera, extends to have a width which extends to at least interfere or cross over a line which is drawn vertically from the bottom of the release button to the bottom of the camera (se figures 1-2).

Regarding claim 20, Oku et al. disclose wherein a part of the monitor is covered by the base of a thumb of the operator gripping the camera and wherein at least one of a captured image or a preview image is displayed on a part of the monitor which is uncovered by the base of the thumb of the operator (in figure 7c, the VTR area can be covered by the hand of an operator, the captured image displayed in CAM area is uncovered by the hand of an operator). Oku et al. do not disclose a back grip part at a side of the back of the camera which is held by a hand of an operator is made as apart of the display of the

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monitor. However, Okada discloses a camera has a grip and a display 15 in the back of the camera (figures 1-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Oku et al. by the teaching of Okada in order to let the operator hold the camera easier when taking picture and viewing picture.

Regarding claim 21, Oku et al. disclose a camera comprising a selector (combination of modes switches 31a, 31b and switch 5; recording mode is set by switch 31a and playback mode (reproducing mode) is selected by switch 5, figure 1, page 5, and see Constitution); a reproducing part (first playback head 442 and second playback 444, figures 1-2, page 4, lines 29-34); a monitor (electronic viewfinder 1, figure 1, page 4, line 22).

Oku et al. fail to specifically disclose the monitor is displayed in the back of the body camera, wherein the camera is gripped, in at least one of the recording mode, wherein a part of the back of the body of the camera is covered while a member which is necessary for picture taking is kept uncovered by a hand of an operator and, the reproducing mode, the back of the body of the camera is kept uncovered by the a hand of the operator while a front of the body of the camera is covered; and wherein the monitor is arranged at such a position that a part of the monitor is covered by the hand of the operator if the camera is gripped in the recording mode whereas the entire area of the monitor is uncovered by the hand if the camera is gripped in the reproducing mode. However, Okada discloses a camera has a grip (figure 1) and monitor (LCD 15, rear cover 14, the area of the back of the camera corresponding to the grip) is arranged at a back of the body of the camera and extends to a part opposite to the grip (figure 2), in which in reproducing mode, the back of the body of the camera is kept uncovered by the hand of the operator (LCD 15 is not covered by the hand of the operator) while the front of the body of the camera is covered

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(the grip in front of the camera is covered by the hand of the operator). Okada also discloses the back of the camera corresponding to the grip is covered by the hand of the operator (the monitor is arranged at such a position that a part of the monitor is covered by the hand of the operator if the camera is gripped in the recording mode), and the operator can hold the camera in the position, which the bottom of the camera is in the hand of the operator, and the fingers grasp the lens 18, in this position, the monitor, which comprises LCD 15, rear cover 14, the area of the back of the camera corresponding to the grip, is not covered by the hand of the operator (the entire area of the monitor is uncovered by the hand if the camera is gripped in the reproducing mode).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Oku et al. by the teaching of Okada in order to let the operator hold the camera easier when taking picture and viewing picture at the same time.

Regarding claim 22, Oku et al. discloses two display modes, wherein a first display mode displays an image in the first area of the monitor and a second mode displays an image in the second area of the monitor, an area of display in the monitor for the first area being smaller than the second area, wherein the camera further comprises a display controller to selectively switch between the first display mode and the second display mode in accordance with the selected gripping in the recording mode and the gripping manner in the reproducing mode (image captured in recording mode is displayed in CAM area, playback image is displayed in VTR , figure 7c).

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Regarding claim 23, Oku et al. disclose the camera switches the display of the monitor in response to the selector selecting one of the recording mode and the reproducing mode (switch 5, figure 1).

Regarding claim 24, Okada discloses a lens (lens 18, figure 1). Oku et al. and Okada do not disclose a strobe as a member necessary for picture taking on the front of the body of the camera. However, Official Notice is taken that it is well known in the art to include a strobe on the front of the camera in order to provide sufficient light in taking picture. Therefore, it would have been obvious to one ordinary skill in the art to include a strobe on the front of the camera in order to provide sufficient light in taking picture.

Regarding claim 25, Oku et al. disclose the camera is adapted for the respectively capturing and recording in response to the selecting of one of the first display mode while the camera is gripped in the recording mode and the second display mode while the camera is gripped in the reproducing mode (Oku et al. disclose two display modes selected by switch 5, CAM indicates a picture being picked up by the camera and displayed, VTR indicates a picture being played back by the VTR, figure 1, 7c, page 8).

Regarding claim 26, Oku et al. disclose the monitor displays the entirety of the image on the first area in the recording mode and the entirety of the image on the second area in the reproducing mode (Oku et al. disclose that the screen based on the recording picture signal and the screen based on the simultaneously playback picture signal are displayed alternately on the picture device (page 4, lines 1-6; page 5, lines 26-30), further in page 7, lines 22-25, Oku et al. disclose that logic circuit 7 outputs control

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signal Z to switch 5 so as to display picture signal CV picked up by video camera 2 and playback signal PV from VTR 4 alternately at the cycle of the pulse signal generated by timer circuit 6 during period III in Figure 3. This indicates that the entirety of the image on the first area in the recording mode and the entirety of the image on the second area in the reproducing mode).

Regarding claim 27, Oku et al. disclose that the screen based on the recording picture signal and the screen based on the simultaneously playback picture signal are displayed alternately on the picture device (page 4, lines 1-6; page 5, lines 26-30), further in page 7, lines 22-25, Oku et al. disclose that logic circuit 7 outputs control signal Z to switch 5 so as to display picture signal CV picked up by video camera 2 and playback signal PV from VTR 4 alternately at the cycle of the pulse signal generated by timer circuit 6 during period III in Figure 3. This shows that Oku et al. disclose displaying only the image captured by the imaging part on the monitor in the recording mode and displays only the image reproduced from the recording medium on the monitor in the reproducing mode.

9. Claims 6-8, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oku et al. (JP 01-320871) in view of Kawamura et al. (US 2002/0008763).

Regarding claim 6, Oku et al. fails to specifically disclose a touch panel arranged over the monitor; and wherein an operational button is displayed on an area other than the first area on the monitor in the recording mode, so that the monitor and the touch panel serve as a camera operation part. However, Kawamura et al. disclose an electronic camera, which includes a touch panel (touch panel 2, figure 5, page 1, section [0022]); and operational button (buttons 25-27, figure 5) is displayed on an area other than the first area on the monitor in the recording mode (figure 5). Therefore, it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to include a touch panel as taught by Kawamura et al. in to the device in Oku et al. in order to provide an electronic camera has capability of entering data by means of a pen-type designator (page 1, section [0006]).

Regarding claim 7, Oku et al. and Kawamura et al. fail to specifically disclose wherein the operational button comprises at least one of a zoom operation button and an exposure correcting button. However, Official Notice is taken that it is well known in the art to use such zoom button to zoom image. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a zoom button in the device of Oku et al. and Kawamura et al. in order to let the user select a desired size of displayed image in viewing.

Regarding claim 8, Oku et al. fails to specifically disclose a touch panel arranged over the monitor. However, Kawamura et al. disclose an electronic camera, which includes a touch panel (touch panel 2, figure 5, page 1, section [0022]) and operational button (buttons 25-27, figure 5) is displayed on an area other than the first area on the monitor in the recording mode (figure 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a touch panel as taught by Kawamura et al. in to the device in Oku et al. in order to provide an electronic camera has capability of entering data by means of a pen-type designator (page 1, section [0006]).

Oku et al. and Kawamura et al. fail to specifically disclose at least one of an operational button for instructing the image reproduced on the monitor to be switched on a frame-by frame basis in an order, an operational button for instructing the image reproduced on the monitor to be switched on a frame-by frame basis in a reverse order, an operational button for instructing the image reproduced on the monitor

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to be enlarged, and an operational button for instructing the image reproduced on the monitor to be reduced, is displayed on the monitor in the reproducing mode. However, Kawamura et al. discloses and operational button (buttons 25-27, figure 5) is displayed on the monitor in the recording mode (figure 5). And Official Notice is taken that it is well known in the art to use these buttons to perform function such as switching on a frame-by frame basis in an order and a reverse order, enlarging image displayed on the monitor, reducing image displayed on the monitor in order to let the operator saves time when reviewing image displayed on the monitor.

Regarding claim 12, Oku et al. fails to specifically disclose first area is arranged to exclude an area covered with hand of an operator holding a body of the camera to operate the camera to record the image. However, Kawamura et al. disclose an electronic camera, which shows that the operator can hold the camera at the grip (an area covered with hand of an operator holding a body of the camera), which is excluded to display portion 4 (first area, figure 1A). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a zoom button in the device of Oku et al. by Kawamura et al. in order to let the operator can view the whole image while taking picture because the display is not covered by the hand of the operator.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oku et al. (JP 01-320871) in view of Furuya (US 4,977,456).

Regarding claim 9, Oku et al. fails to specifically disclose the monitor comprises a liquid crystal display. However, Furuya discloses an electronic viewfinder for displaying the video images captured in an attached electronic camera utilizes a liquid crystal display (see abstract, column1, lines 35-36).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a zoom button in the device of Oku et al. by Furuya in order to provide an image display device for use with video cameras which is compact and requires little electric power (column 1, lines 59-61).

Allowable Subject Matter

11. Claims 10-11 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 10-11, See Examiner's comments of reasons for the indication of allowable as indicated in Paper No. 16 mailed on 2/27/2004.

12. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

See Examiner's comments of reasons for the indication of allowable as indicated in Paper No. 8 on 12/19/2002.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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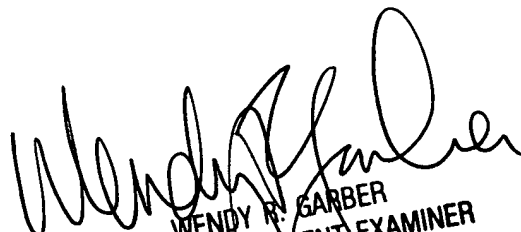
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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10/31/2004


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